

REMARKS

The applicants note with appreciation the acknowledgement of the claim for priority under section 119 and the notice that all of the certified copies of the priority documents have been received.

The applicants acknowledge and appreciate receiving an initialed copy of the form PTO-1449 that was filed on April 22, 2004.

Claims 1 and 3 – 8 are pending. Claim 2 has been canceled. The applicants respectfully request reconsideration and allowance of this application in view of the above amendments and the following remarks.

The disclosure was objected to for informalities. The informalities identified in the office action have been corrected. Withdrawal of the objection is respectfully requested.

Corrected drawings were required to indicate that FIG. 4 is “Prior Art.” Accordingly, a replacement sheet is submitted herewith indicating the FIG. 4 is “Prior Art.” Withdrawal of the objection is respectfully requested.

In addition, a cosmetic defect in the title has been corrected. Claim 8 also has been amended to correct a cosmetic defect.

Claim 1 has been amended to incorporate claim 2, and claim 2 has been canceled. Support for amended claim 1 can be located in the specification, for example page 17, paragraph [0049] and FIG. 2.

Claims 1 – 8 were rejected under 35 USC 102(3) as being anticipated by U.S. Patent Publication No. 2003/0098063, Mori et al. (“Mori”). Insofar as the rejection can be applied to

the claims as amended, the rejection is respectfully traversed for reasons including the following, which are provided by way of example.

Independent claim 1 recites in combination, for example, "an upper case ... welded to the breather pipe...;" "wherein the top-end opening of the breather pipe has a flange, the top end of the lower case is held between the upper case and the flange of the breather pipe, and claws are mounted on the top end of the lower case to be engaged with the periphery of the upper case." Thereby, it is possible to cut off liquid fuel and to detect filled-up fuel tanks with a simplified arrangement, while omitting an O-ring. (E.g., specification page 8, paragraph [0022].)

On the other hand, without conceding that Mori discloses any feature of the present invention, Mori is directed to an outflow-limiting device for a fuel tank. The office action cites Mori, FIG. 6 as being most relevant. The office action appears to contend that Mori, FIG. 6, discloses that an upper member (40) (upper case) is welded to a larger-diameter portion (30) (breather pipe).

The office action asserts that Mori anticipates the invention as claimed. To the contrary, Mori fails to set forth each and every element found in the claims. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

Mori fails to teach or suggests, for example, the "upper case ... welded to the breather pipe..." where "the top-end opening of the breather pipe has a flange, the top end of the lower

case is held between the upper case and the flange of the breather pipe, and claws are mounted on the top end of the lower case to be engaged with the periphery of the upper case.” (Claim 1.) To the contrary, in Mori, the lower case is merely maintained in the larger diameter portion (30) (breather pipe). Mori, FIG. 6 fails to teach or suggest that the lower case is held between the upper member 40 (upper case) and the larger diameter portion (30) (breather pipe).

Mori fails to teach or suggest, for example, these elements recited in independent claim 1. It is respectfully submitted therefore that claim 1 is patentable over Mori.

For at least these reasons, the combination of features recited in independent claim 1, when interpreted as a whole, is submitted to patentably distinguish over the prior art. In addition, Mori clearly fails to show other recited elements as well.

With respect to the rejected dependent claims, applicant respectfully submits that these claims are allowable not only by virtue of their dependency from independent claim 1, but also because of additional features they recite in combination.

New claims 9 – 10 have been added to further define the invention, and are believed to be patentable for reasons including those set out above. Support for claim 9 is located in the specification, for example, page 22, paragraph [0061]. Support for claim 10 is located for example on page 21, paragraph [0060] – page 22, paragraph [0061].

Applicants respectfully submit that, as described above, the cited prior art does not show or suggest the combination of features recited in the claims. Applicants do not concede that the cited prior art shows any element recited in the claims. However, applicants have provided specific examples of elements in the claims that are clearly not present in the cited prior art.

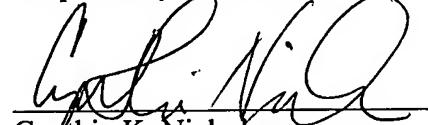
Applicants strongly emphasize that one reviewing the prosecution history should not interpret any of the examples applicant has described herein in connection with distinguishing

over the prior art as limiting to those specific features in isolation. Rather, for the sake of simplicity, applicants have provided examples of why the claims described above are distinguishable over the cited prior art.

In view of the foregoing, the applicants respectfully submit that this application is in condition for allowance. A timely notice to that effect is respectfully requested. If questions relating to patentability remain, the examiner is invited to contact the undersigned by telephone.

Please charge any unforeseen fees that may be due to Deposit Account No. 50-1147.

Respectfully submitted,



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AMENDMENTS TO THE DRAWINGS

The attached drawing sheet includes changes to Fig. 4.

Attachment: Replacement Sheet